

PATENT  
514499-2001

**DECLARATION FOR PATENT APPLICATION AND POWER OF ATTORNEY**  
(Includes reference to PCT International Applications)

FROMMER LAWRENCE & HAUG, LLP  
File No.: 514499-2001

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am an original, first and joint inventor (if plural, names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention ENTITLED:

**3-DESOXYPENTOPYRANOSYL NUCLEIC ACID, ITS PRODUCTION AND ITS USE**

the specification of which:

- is attached hereto
- was filed on 2/15/04 09/762,977
- United States Application Serial No. \_\_\_\_\_  
PCT Application No. PCT/EP99/06036 filed August 18, 1999  
with amendments through \_\_\_\_\_ (if applicable, give details).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendments referred to above.

I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code § 119 (a) - (d) or § 365 (b) of any foreign application(s) for patent or inventor's certificate, or § 365 (a) of any PCT International application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application for patent or inventor's certificate or any PCT International applications designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) on which priority is claimed: Prior Foreign/PCT Application(s) [list additional applications on separate page]:

<u>Country (or PCT)</u>	<u>Application Number:</u>	<u>Filed (Day/Month/Year)</u>	<u>Priority Claimed:</u>
Germany	19837387.2	August 18, 1998	<u>Yes</u> <input checked="" type="checkbox"/> <u>No</u>

I hereby claim the benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below.

I hereby claim the benefit under Title 35, United States Code § 120 of any United States application(s) or § 365 (c) of any PCT international application(s) designating the United States of America that is/are listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in that/those prior United States or PCT International application(s) in the manner provided by the first paragraph of Title 35, United States Code § 112, I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

Prior U.S. (or U.S.-designating PCT) Application(s) [list additional applications on separate page]:

<u>U.S. Serial No.:</u>	<u>Filed (Day/Month/Year)</u>	<u>PCT Application No.</u>	<u>Status (patented, pending, abandoned)</u>
PCT	August 18, 1999	PCT/EP99/06036	pending

PATENT  
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I hereby appoint William F. Lawrence, Registration No. 28,029, and FROMMER LAWRENCE & HAUG, LLP or their duly appointed associates, my attorneys or agents, with full power of substitution and revocation, to prosecute this application, to make alterations and amendments therein, to file continuation and divisional applications thereof, to receive the Patent, and to transact all business in the Patent and Trademark Office and in the Courts in connection therewith, and to insert the Serial Number of the application in the space provided above, and specify that all communications about the application are to be directed to the following correspondence address:

William F. Lawrence, Esq.  
c/o FROMMER LAWRENCE &  
HAUG, LLP  
745 Fifth Avenue  
New York, NY 10151  
FAX (212) 588-0500

Direct all telephone calls to: (212) 588-0800  
to the attention of:  
William F. Lawrence

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

INVENTOR(S):

Signature: 

Date: 080301

Full name of second inventor: Christian Miculka

Residence: Dollnergasse 3/15, 1190 Wien, Austria  
Citizenship: Austrian

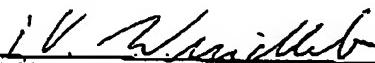
Signature: 

Date: 210301

Full name of second inventor: Thomas Wagner

Residence: Römerstr. 18, 65719 Hofheim a. Ts., Germany  
Citizenship: German

\*Sonnenbühlstr. 73  
78464 Konstanz

Signature: 

Date: 090401

Full name of third inventor: Norbert Windhab

Residence: Akazienstr. 18, 65705 Hofheim am Main, Germany  
Citizenship: German

Hahneckstr. 36  
65719 Hofheim  
Germany

Post Office Address(es) of inventors [if different from residence]:

NOTE: In order to qualify for reduced fees available to Small Entities, each inventor and any other individual or entity having rights to the invention must also sign an appropriate separate "Verified Statement (Declaration) Claiming [or Supporting a Claim by Another for] Small Entity Status" form [e.g. for Independent Inventor, Small Business Concern, Nonprofit Organization, Individual Non-Inventor].

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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

See attached list

Serial No.: See attached list

Filed: See attached list

Group Art Unit:

Examiner:

**POWER OF ATTORNEY BY ASSIGNEE OF ENTIRE INTEREST  
AND REVOCATION OF PRIOR POWERS**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

We , Dr. Jochen Muth, Vice President of Corporate Development and Norbert Windhab, Managing Director of Nanogen Recognomics GmbH., as representatives of the Assignee of record of the entire interest of the applications listed in Exhibit A, hereby revoke all powers of attorney previously given and appoint the following attorneys and/or agents to prosecute and transact all business in the United States Patent and Trademark Office, and in countries other than the United States, and to do all things necessary or appropriate therefor before any competent International Authorities in connection with any international patent application(s) corresponding to the applications listed in Exhibit A, all of the registered practitioners identified by Customer Number 34263:

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**CERTIFICATE OF MAILING (37 C.F.R. §1.10)**

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as 'Express Mail Post Office To Addressee' in an envelope addressed to the Commissioner for Patents, Washington, D.C. 20231.

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EV208960738US  
Express Mail Label No.  
IR1:498144.3

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February 28, 2003  
Date of Deposit

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*Cynthia B. Pacheco*  
Cynthia B. Pacheco

 34263 PATENT TRADEMARK OFFICE	O'MELVENY & MYERS LLP 114 Pacifica, Suite 100 Irvine, CA 92618 (949) 737-2900
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Please send all correspondence to the attention of John Kappos, at the above Customer Number, and direct all telephone calls to John Kappos at 949-737-2900.

Assignee of interest: Nanogen Recognomics GmbH  
Address: Industrial Park Höchst, Building G 830, D-65926 Frankfurt am Main,  
Germany  
Assignments: Exhibit A lists the reel/frame numbers of the recorded assignments  
from the inventors to AVENTIS RESEARCH TECHNOLOGIES GMBH  
& CO KG  
Exhibit B is a copy of the assignment from the inventors in application  
SN 09/647,829, filed for recordation with the PTO on September 19,  
2002.  
Exhibit C is a copy of the assignment from AVENTIS RESEARCH  
TECHNOLOGIES GMBH & CO KG to NANOGEN  
RECOGNOMICS GMBH for the applications listed in Exhibit A.

Patent

In conformance with 37 C.F.R. §3.73(b), we hereby certify that all documents in connection with the chain of title have been reviewed, and to the best of my knowledge, all right, title and interest is in the above-identified Assignee.

Dated: January 13, 2003

By: Jochen Muth  
Dr. Jochen Muth  
Vice President of Corporate Development

Nanogen Recognomics GmbH  
Industrial Park Höchst  
Building G 830  
D-65926 Frankfurt am Main  
Germany

By: Norbert Windhab

Dr. Norbert Windhab  
Managing Director  
Nanogen Recognomics GmbH  
Industrial Park Höchst  
Building G 830  
D-65926 Frankfurt am Main  
Germany



Patent

### Exhibit A

#### List of Applications with Reel/Frame Numbers of Recorded Assignments from Inventors to AVENTIS RESEARCH TECHNOLOGIES GMBH & CO KG

Serial No.	Filing Date	Inventors	Reel	Frame	Recordation Date	OMM Docket	L&L Docket
09/319,678	8/16/99	Eschenmoser Miculka Windhab Hoppe	010212	0605	9/7/99	612,406-021	271/144
09/509,010	7/10/00	Miculka Windhab Brandstetter Burdinski	010974	0337	7/10/00	612,406-017	271/101
09/509,039	7/11/00	Miculka Windhab Brandstetter Burdinski	010953	0802	7/11/00	612,406-024	271/147
09/509,040	8/3/00	Miculka Windhab Eschenmoser Scherer Quinkert	011055	0276	8/16/00	612,406-023	271/146
09/509,058	7/27/00	Miculka Windhab Brandstetter Burdinski	010981	0609	7/27/00	612,406-019	271/103
09/509,051	6/8/00	Miculka Windhab Hoppe	010867	0005	6/8/00	612,406-022	271/145
09/762,977	4/19/01	Miculka Wagner Windhab	011736	0490	4/19/01	612,406-016	271/100
09/509,011	7/11/00	Miculka Windhab Brandstetter Scherer	010953	0799	7/11/00	612,406-025	271/148
09/647,829	1/18/01	Eschenmoser Pitsch Wendeborn	See Exhibit B; Filed with the PTO on September 19, 2002			612,406-020	271/104
09/868,824	6/21/01	Wagner Windhab	012628	0550	11/27/01	612,406-026	271/149